

# **IMMIGRATION INFORMATION AND RESOURCES FOR ADVOCATES IN IOWA**

**PRESENTED BY:**

**Maria Alonzo, Ann Naffier, Sonia Parras  
Konrad, Sonia Reyes & Sandra Sanchez**

# Objectives

- *By listening to this webinar, participants will be better able to:*
  - Explain the provisions of the recent Executive Orders that will affect immigrant survivors of gender-based violence;
  - Prepare for the impact of these Executive Orders on survivors & service providers
  - Ensure self care and avoiding crisis

# AGENDA

Welcome and Introductions	Sonia Reyes-Snyder	1-1:10
Current Immigration Pulse; Executive orders and the impact on gender based violence survivors	Sonia Parras Konrad	1:10-1:30
Let's talk basics, what is DACA, U-Visas, T-Visas, LPR, Refugees, Dreamers, ETC.	Ann Naffier	1:30-1:50
What rights do documented and undocumented immigrants have?	Sandra Sanchez	1:50-2:10
Managing trauma	Maria Alonzo-Diaz	2:10-2:30
Statewide Immigration Resources	Sonia Reyes-Snyder	2:30-2:40
Q&A	ALL	2:40-3

# WHAT DO THE EXECUTIVE ORDERS MEAN FOR SURVIVORS OF GENDER-BASED VIOLENCE?

**PRESENTED BY:**  
**Sonia Parras Konrad, ASISTA**

# DISCLAIMER

- Some of the provisions in the Executive Orders (EOs) became effective immediately. Others require the allocation of funding or additional guidance before we will see the impact.
- The Orders are already subject to litigation and may be deemed unlawful in whole or in part.
- Information will change as we learn more about the status of different litigation efforts, the development of agency guidance, and how these policies are being implemented by Department of Homeland Security and Department of State.
- **This document is not legal advice or authority, rather it is for informational purposes only and not for media attribution.**

# Overview

# Executive Orders

- January 25, 2017:
  - **Border Security and Immigration Enforcement Improvements** (“Border Enforcement Order”)
  - **Enhancing Public Safety in the Interior of the United States** (“Interior Enforcement Order”)
- January 27, 2017
  - **Protecting the Nation from Foreign Terrorist Entry into the United States** (Muslim & Refugee Travel Ban Order)

# What We Know

- DHS not given time to prepare implementation or shape the order
- DHS agencies need to figure out rollout
  - Guidance
  - Regulations
  - Forms
- Legal Challenges and Investigations
  - Multiple law suits
  - OIG Investigations

# Important Themes

- Increasing Immigration Enforcement
- Drastic changes to policy and process for asylum seekers and refugees
- Visa revocation and travel ban for citizens of 7 Muslim-Majority Countries
- Other Provisions related to Survivor Protections

# Immigration Enforcement

# 1. Encouraging Federal-State Enforcement Agreements

- Encourage DHS to work with state and local officials on implementing 287(g) agreements
- Agreements are entered into with CONSENT of State and Local officials to allow their LEAs to perform functions of immigration officers.
- History of Problems:
  - Include instances of racial profiling, drain on policing resources

## 2. Penalties for “Sanctuary” Jurisdictions

- States and localities shall comply with the law on communicating with the government on immigration status.
- Noncompliant jurisdictions will be ineligible for federal grants, except as necessary for law enforcement
  - Unclear what impact will be on funding for DV/SA programs
- AG may take enforcement actions against jurisdictions that don't comply
- Reporting Requirements

# Current Status

- Many jurisdictions resisting Executive Orders and maintaining, or strengthening existing policies
- Communities with sanctuary policies have lower crime and better economies
- Defunding sanctuary jurisdictions undermines community safety
  - Silencing effect on survivors
  - Will not call the police if fear of deportation
  - Increases abuser's power and control

# 3. Changes in Enforcement Priorities

## Changes based on INA

Those subject to criminal grounds of inadmissibility and deportability

Those subject to security and related grounds of inadmissibility and deportability

Those suspected of fraud or material misrepresentation to obtain a visa or other document or entry to the U.S

Those subject to expedited removal

## Other priorities

Those with pending criminal cases and/or prior criminal convictions

Those convicted or charged with ANY criminal offense, or have committed any act that constitutes a chargeable offense

Those with final orders of removal

Those who have committed fraud or misrepresentation in applications before a government agency;

Those who “abused” a program related to receipt of a public benefit

Those believed to pose a threat to public safety or national security

# What this means...

- As written, NO prioritization among these different grounds
- No official guidance from ICE on implementation yet; local offices determining how to move forward with new priorities.
- No directives from ICE Headquarters regarding Prosecutorial Discretion yet
  - Status of existing ICE guidance for survivors

# Effect on Changes of Enforcement Priorities for Survivors

- Survivors may be a target for detention and possible deportation, if
  - They were NEVER charged or convicted or
  - They were charged or convicted for older crimes
  - Had final order of removal.
- Abusers may report survivors for false claims or abuse or due to linguistic & cultural barriers, the survivor is arrested.
- Trafficking victims may have charges against them that could be vacated but have not yet been.

## 4. Expanding Enforcement Mechanisms

- Fines and Penalties
- Expanded use of expedited removal
- Expanding ICE and CBP personnel
  - 5K CBP agents
  - 10K ICE Enforcement and Removal agents

## 5. Enforcement at Southern Border

- Wall
- Construction of additional detention centers at southern border
- Detention until Outcome of Removal Proceedings
  - Policy Guidance

# Enforcement at Southern Border

- EO creates policy to prioritize deportation of those whose claims to remain in the U.S. have been rejected.
  - What does this mean for survivor-based relief?
  - Will VSC start to refer cases to court?
  - What will likely need to happen if/before this starts?

# Effects on Refugees & Asylees

# Asylum Claims at Southern Border

- Order requires expedited processing of all claims at the border
  - Access to counsel
  - Appeals
  - Due process
- Diversion of Immigration Judges and Asylum Officers to Border Detention Centers
  - Compounding existing delays nationwide

# Effects on Asylum Seekers

- Detention of asylum seekers
  - Many of the women and children arriving at the border are fleeing gender based violence.
  - Re-traumatizing for survivors
  - Findings of ICE Advisory Board
- Strain on a burdened system
  - Backlog of 200K cases. Could take up to 5 years
- Due Process

# Effects on Refugees

- Refugee process already takes over 2 years before entry to the U.S.
- Executive Order halts entry even for those who completed process
- Suspending refugee program increases likelihood for continued persecution
- Syrian refugees—more than half are women

# Helping Survivors at Risk of Removal

- **Confidentiality**
- **Enhancing Safety Planning**
  - Collect important documents (identity, medical and financial information)
  - Carry name of attorney or advocate and phone number
  - Survivors should know their and their children's "alien registration number" or A#
  - Encourage getting advice of attorney before traveling outside US.
  - Share "Know Your Rights Materials" and make aware the risks of contact with criminal legal system

# Know Your Rights

- ICE Enforcement in Public/Courthouse
- ICE Enforcement at Home/Shelters
- Examine Internal Policies and Procedures
  - Protocols to respond to clients at risk of enforcement
  - Training for Staff
  - File Maintenance

# Systems Advocacy

- Engaging with District ICE/CBP offices, law enforcement and court systems
- Enhancing LEA response to serving survivors
- Monitor compliance with VAWA Confidentiality

# Expanding Networks

- Build relationships with local immigration and civil rights networks
- Enhancing referral resources
- Enhance Outreach efforts
  - Translation of agency documents/flyers
  - Stress that your services are available regardless of status



# **Immigration 101: Let's talk basics... Ann Naffier, JFON**

# Family Based Immigration

- A U.S. Citizen can apply for his or her:
  - Spouse
  - Children
  - Parents
  - Siblings
- A Legal Permanent Resident can apply for his or her:
  - Spouse
  - Unmarried children

# Family-based immigration the waiting line

Immediate Relatives (spouses, minor unmarried children, and parents of U.S. Citizens) (IR)	Immediate (no waiting line)
Spouses and minor children of Legal Permanent Residents (F2A)	1-2 years
Adult unmarried children of Legal Permanent Residents (F2B)	7-21 years
Adult children of U.S. Citizens (F1 or F3)	7-21 years
Siblings of U.S. citizens (F4)	13-24 years

# Humanitarian Programs

- Refugees & Asylees

- Must be fleeing their country of origin because they have been persecuted in that country or because they have a “well-founded fear of persecution on account of race, religion, nationality membership in a particular social group or political opinion.”
- Refugees were given refugee status overseas, and then allowed to come to the U.S.
- Asylees come to the U.S. first in some other status, and then apply for asylum here.
- Victims of domestic violence in their home countries may qualify for asylum in certain situations

# Battered Spouse Waivers (I-751)

- A pre-VAWA attempt to help battered immigrants
- The battered spouse waiver allows the removing conditions on residency without:
  - Relying on the batterer
  - Having to remain in abusive relationship for 2 years

# Humanitarian Programs

- Violence Against Women Act benefits for immigrants
  - Assists battered spouses of USCIs or LPRs
- U-visas for victims of violent crimes
  - Allows for a visa that eventually leads to LPR status for victims of violent crimes who assist law enforcement in the investigation and prosecution of that crime.
- T-visas for victims of trafficking

# Qualifying Criminal Activities

Most often relevant in workplace crime cases

**Abduction**

**Abusive sexual contact**

**Being held hostage**

**Blackmail**

**Domestic violence**

**Extortion\*(1)**

**False imprisonment**

**Felonious assault**

**Female genital mutilation**

**Fraud in foreign labor  
contracting\*(2)**

**Fraud labor\*(3)**

**Incest**

**Involuntary servitude**

**Kidnapping**

**Manslaughter**

**Murder**

**Obstruction of justice**

**Peonage**

**Perjury**

**Prostitution**

**Rape**

**Sexual assault**

**Sexual exploitation**

**Slave trade**

**Stalking**

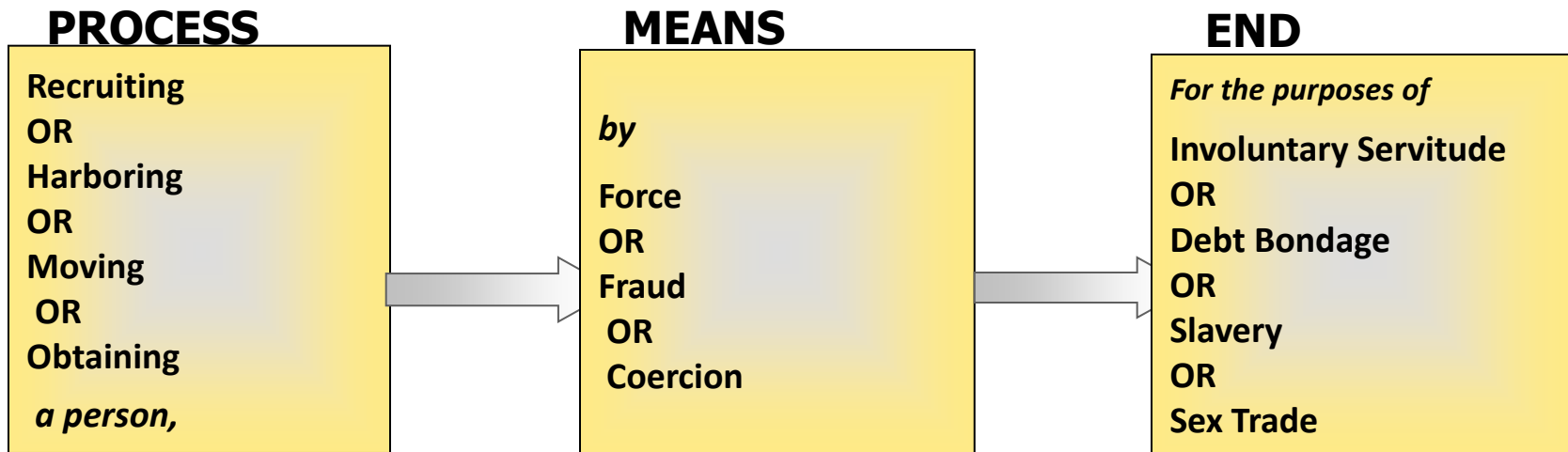
**Torture**

**Trafficking**

**Unlawful criminal  
restraint**

**Witness tampering**

# Human Trafficking



Juan was recruited to work at a processing plant for 4 months. He entered legally with an H visa. Upon entry, the employer kept the passport, took him to a forest along with the rest of the workers and explained that before going to the processing plant, they needed to pay for the recruitment expenses, immigration fees and the traveling expenses. His shift is 6am-7pm Monday – Sunday for the next two months.

# Humanitarian Programs

- Deferred Action for Childhood Arrivals (DACA)
  - For young immigrants who were brought to the U.S. as children, have been in the U.S. since early 2007, and has graduated from high school, or is currently in school. This is a TEMPORARY program and never leads to permanent residency or citizenship.
- Cancellation of Removal
  - Has lived in the U.S. for more than 10 years, who then gets apprehended by Immigration and placed in deportation proceedings, and who can show that their U.S. citizen or LPR spouse, children, or parents would suffer “exceptional and extremely unusual” hardship if the immigrant were to be deported.

# Who can help immigrants with their immigration process?

- Attorneys who specialize in immigration law
  - Good rule of thumb: should be members of the American Immigration Lawyers Association (AILA)
- Board of Immigration Appeals Accredited Representatives
  - Must work for a non-profit organization that is recognized with the Board of Immigration Appeals
  - Must not rely on fees for income
  - Must have training and experience in immigration law
  - Must be able to consult with an immigration attorney on a regular basis

Avoid Scams!

# **Are there immigration remedies for the undocumented?**

**Sandra Sanchez**

# What if you are undocumented?

- You still have certain rights under the U.S. Constitution.
- Consult with an immigration attorney to go over your personal case to see if you qualify for any immigration benefits.
  - If you can, sign an agreement with a private attorney of your choice to be sure the attorney will represent you in case you are placed in immigration court proceedings.
- Have a plan of action in place in case of immigration raids or apprehension.

# Constitutional Rights

- Right to Due Process and Equal Protection under the law
  - 14<sup>th</sup> Amendment of the U.S. Constitution: “...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”
- Your children have a right to free public education
  - Plyler vs. Doe, 457 U.S. 202 (1982)
- You have a right to be paid for any work you performed.
  - Fair Labor Standards Act (federal statute)

# Immigration Raids: Plan of Action

1. Protect your family
2. Protect your property
3. Protect your rights

# Protect your family

- Have a **power of attorney** in place giving temporary permission to an adult you know and trust to care for your children while you are detained.
  - If you cannot hire an attorney to prepare a legal document for you, at least write a letter, and keep it in a safe place.
  - Be sure to find someone you trust! A family member is often best.
- Be sure you have birth certificates, marriage certificates, and any important medical records for each family member.

# Protect your property

- Have a **power of attorney** in place giving permission to an adult you know and trust to take control of your property and to make legal decisions about the disposal of your property.
- Be sure you have important ownership documents such as leases, mortgage or title to your home, and titles to your vehicles.
- Make a list of all important property you own. Indicate which pieces of property you would like to sell in case you are deported, and which pieces of property you do NOT want to be sold.

# Protect your Rights

- Consult with an Immigration Attorney, and if possible sign a Form G-28, giving that attorney permission to represent you in immigration proceedings.

# Plan of Action

- Keep all of your important documents in a safe place:
  - Copy of G-28 of Immigration Attorney
  - Copy of Powers of Attorney for child care, and for your property
  - List of property and your wishes about what to do with property
  - Leases, mortgage, or titles of vehicles, house, and any other property
  - All birth certificates of family members
  - All marriage certificates and divorce decrees
  - All important medical records.
  - Copies of passports of each family member.
  - Any immigration documents
  - List of important contact information (telephone numbers, etc., for your attorney, important health officials, close family members, and trusted friends)
  - Information about any bank or credit accounts

# Plan of Action

- Make sure your family members who are old enough know where these documents are kept.
- Consider making a copy of each of these documents, and leaving the copies with a trusted person in a different location, just in case you lose the first set of documents.
- ONLY tell close family members or friends that you trust completely, or your personal attorney, where these documents are.

# During a Raid

- Do not run away!
- Do not resist arrest.
- Give your real name and address.
- Other than giving your name and address, you have the right to remain silent. You may simply stop talking, or you may tell the officers questioning you that you will not give any additional information until you've had a chance to consult with an attorney.

# If Law Enforcement Officers come to your Home

- You have the right to refuse them entrance into your house unless they have a warrant.
  - Ask to see the warrant.
  - If no warrant, and you do not want to let them in, do not even open the door a little.
- If they have a warrant to search your house, you must let them in. Be cooperative.
- Law Enforcement Officers can trick you in order to get into your house.

# Your rights in detention

- You have the right to make a telephone call to a family member or to your attorney.
- You can continue to remain silent (not give additional information) until you have a chance to consult with your attorney.
- Do not give false information.
- Do not sign documents unless you understand them and agree with what they say.
- If you are the victim of a crime or of human trafficking, call 1-855-448-6903 to speak with immigration officers who specialize in assisting crime and trafficking victims.

# What you SHOULD tell Law Enforcement if you are detained

- Be sure to tell Law Enforcement if you have any health issues that need attention (such as medication that you need to take, or health conditions that could put you at risk in detention)
- If you have children, be sure to ask if you can contact someone to take care of them while you are in detention.

# After Detention

- Some immigrants can be deported immediately, even without the chance to appear in front of a judge.
- Some immigrants will have the chance to speak to a judge and explain why they should be able to stay in the U.S., but they will be detained throughout proceedings.
- Some immigrants will be given the chance to pay a bond to be released while their immigration cases are pending. Bonds can be as low as \$1500, or as high as \$20,000.
- Some immigrants are released on their own recognizance (without having to pay a bond).

# Contact with ICE, Immigration:

In order to be deported, ICE has to prove that:

- person is not a citizen of the US
- person does not have a legal right to be in the US
  - \*lack of legal status and documentation
  - \*has violated immigration law, committed a deportable crime
- person has a country of origin other than the US

# Every Case Is Different!

- Speak personally with an attorney or an accredited representative.
- Immigration law changes often, so if you think something has changed, or a few years have passed, don't hesitate to speak with an attorney or accredited representative again.
- If you are detained, or placed in proceedings, it is especially important that you consult with an attorney to know your rights and any benefits you may qualify for.

# Know Your Rights Presentations

Sandra Sanchez,  
AFSC Iowa, Organizing & Advocacy Director  
Email: [ssanchez@afsc.org](mailto:ssanchez@afsc.org)  
Webinar, February 10, 2017



# Organize Know Your Rights Presentations or Workshops

The 3 main components of an effective KYR workshop shall include:

1. **Immigration 101**  
(immigrants can identify their status and/or legal remedies if any as well as prepare their Plan of Action)
2. **Constitutional Rights** (due process, right to post bond, report fear for life, etc.)
3. **Plan of Action:** for the individual and/or for the entire family, pre-signed G28 forms, pre-legal consultation



# Immigrants are better off attending a KYR+ workshop before a raid happens because:

- They will know their immigration status & if there is a legal remedy
- They will avoid giving self-incriminatory information
- They will have a plan of action in case of a raid:
  1. What to do with their children
  2. Where to get legal representation
  3. What to do if they are repatriated

**WARNING!**

**PROTECT YOURSELF FROM IMMIGRATION RAIDS!**



Some people who are not United States citizens have been arrested or detained by the U.S. government. Learn how to protect yourself if this happens to you!

# How to Organize a KYR+ Workshop?

## Get Volunteers Trained

- If you don't have a trained presenter close by, identify volunteers willing to do so
- You may identify 3 types of trainable volunteers:
  - Monolingual in English
  - Monolingual in Spanish
  - Bilingual in English and any other language prevalent in your immigrant community

## Organize a presentation

- Find a location trusted by your immigrant community
- Secure your presenter(s)
- Prepare flyers announcing the workshop (don't make them too busy, just state the main information)
- Prepare: workshop handouts, immigration lawyers' list, immigrants' plan of action sheet.
- Ask if among your audience, there are volunteers willing to join you/your organization in the work towards Immigration Reform

# Know Your Rights in 5 minutes

- Use the link below, short video and to the point (ACLU/Damian Bichir with subtitles):

<https://www.youtube.com/watch?v=55VnDKpnNEE&feature=share>

- Iowa Legal Immigration Resources list here (AFSC):

<https://www.afsc.org/docum.../immigration-lawyers-list-1-12-17>

- Updated Family Preparedness here (ILRC):
- <https://www.ilrc.org/family-preparedness-plan>

# KYR in Multiple Languages:

- [https://www.aclu.org/sites/default/files/styles/content\\_area\\_full\\_width/public/wysiwyg/kyr-walletcardpolice-1200-628.jpg?itok=4VWUhmUU](https://www.aclu.org/sites/default/files/styles/content_area_full_width/public/wysiwyg/kyr-walletcardpolice-1200-628.jpg?itok=4VWUhmUU)



# Reducing Acute Distress Resulting from Trauma

Maria Alonzo-Diaz, MS  
Counselor/Advocate  
Polk County Crisis & Advocacy Services



# Goal

- Reduce distress, help with current needs, promote adaptive functioning

# Intervention Objectives

- Establish connections with people
- Develop a sense of hope and safety, and provide emotional comfort
- Help distraught individuals calm down and orient them
- Gather information for individuals to address immediate needs
- Connect people to social support networks and resources

# Who can benefit from this?



# Why is this important?

- Current reality for many is a disaster
- Disasters can make people experience a wide range of reactions
- Reactions can trigger distress that will interfere with coping

# Intervention

- ▶ Be calm, friendly and observant
  - Note identified needs
  - Focus on how individual or group is reacting or interacting in the setting
  - Look for signs of acute distress (confused, frantic, panicky, withdrawn, shut down, angry, exceedingly worried)
  - Verbalize observations
  - Normalize reactions
- ▶ Be calm—Be calm
  - Individuals pick up cues from how you conduct yourself
  - Stay focused on individual
  - Calmness and clear thinking project reliability
  - Being reliable can create a sense of hope while dealing with struggles

# Intervention Continued

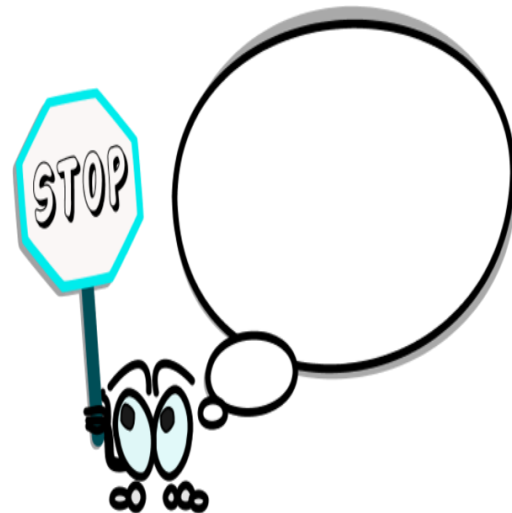
- Support network
  - Help individual create visual of social support network
  - Identify degrees of separation for support
  - Discuss accessibility to support
- ▶ Be helpful
  - Know resources available
  - Make a call if necessary
  - Offer to see them again
  - Offer to facilitate a family session

# Intervention Continued

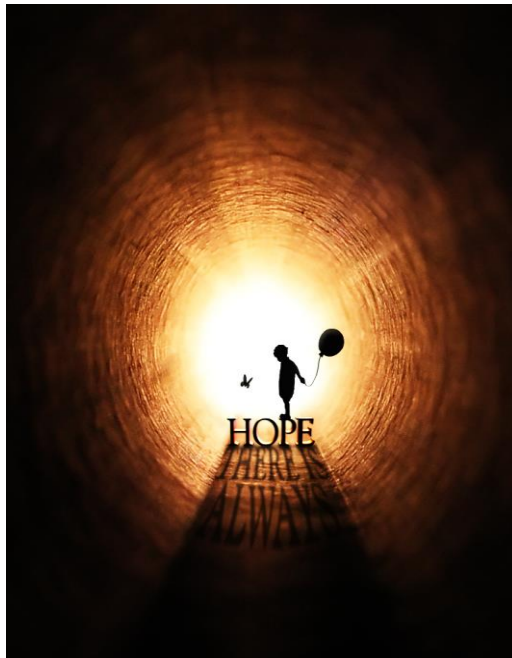
- ▶ Coping Skills
  - Identify current ones
  - Acknowledge resourcefulness
  - Brainstorm new and practical skills
    - Appropriate social engagement—positive emotion
- ▶ Promote boundaries—self protection
  - Discuss impact of media exposure
  - Seek information from only trusted sources
  - Limit children's exposure to media
  - Allow for time to discuss media material
  - Distance self from triggering stimuli

# Intervention Continued

- ▶ Behaviors to avoid
  - Don't generalize reactions
  - Don't assume everyone is in state of trauma
  - Don't focus on weaknesses and helplessness
  - Don't assume your silence doesn't contribute to hope
  - Don't speculate



# General Expectation



- ▶ Emotional stabilization
- ▶ Connectedness
- ▶ Information/Resources
- ▶ Hope

# QUESTIONS?